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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/574,968	09/20/2006	Vincent George McCarthy	1000035-000071	5903
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EXAMINER SWINEHART, EDWIN L.				
ART UNIT 3617		PAPER NUMBER		
NOTIFICATION DATE 08/13/2010		DELIVERY MODE ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ADIPFDD@bipc.com  
offserv@bipc.com

# Office Action Summary

**Application No.**

10/574,968

**Applicant(s)**

MCCARTHY ET AL.

**Examiner**

ED SWINEHART

**Art Unit**

3617

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3**

10574968 - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.  
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.  
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).  
Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 6/2/2010.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,4,6-14,16-25,27-30,32-40,43,55,58-60,63,64,69 and 70 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1,2,4,6-14,16-25,27-30,32-40,43,55,58-60,63,64,69 and 70 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO/SB/CD)  
Paper No(s)/Mail Date \_\_\_\_\_  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

#### **DETAILED ACTION**

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the connection which is structurally separate from the vessel, and the now claimed load transfer structure which is in addition to the saddles must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 25, the relationship of the claimed saddles to the load transfer structure previously recited is unclear. Based upon applicant's comments, such would appear to be the element.

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 1,2,6-14,16-25,27-30,32-40,43,55,58-60,63,64,69 and 70 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement and/or the enablement requirement. The claim(s) contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention, or to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claims 1,28,55,58,59,65 and 67 are directed towards a connection of the tops of the suspending means which are directly coupled together, and/or structurally separate from the vessel, and/or including a load transfer structure. As amended, the claims now recite in addition to the structurally separate (not claim 28) connection, a load transfer structure connected between the vessel structure and the suspending means. Such a suspending means and its operation is unclear. Since claim 25 still recite the saddles,

such a saddle claim depending from a claim reciting the load transfer structure implies that such a load transfer structure must be some other element other than the saddles, however, such an additional transfer structure has not been adequately disclosed and/or shown. In applicant's arguments, it is implied the load transfer structure are the saddles. Such structure is therefore unclear. The saddles as disclosed can transfer only vertical loads to the vessel, and the disclosure further states (also claimed in claim 1) that the tops of the suspending means are connected to each other by a connection independently of the vessel. There therefore must be some other structure which prevents the chains from sliding along the saddles. The loading on the submerged bodies while the vessel is rolling will be unequal, therefore requiring some structure to prevent the chains from moving due to such unequal forces. Figure 3 illustrates an arrangement in which the chain **16** appears to be continuous from one body to the other, without a connecting member or any fixing structure to attach and secure same to the vessel. The examiner therefore does not understand how the stabilizers can be maintained in the positions as illustrated.

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1,4,7,8,9-14,16,19-25,28-30,32,35-40,43,55,58-60,63,64,69 and 70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pollack (6,655,312) in view of Stimson (3,263,641).

Pollack shows an "apparatus for reducing vessel motion" including a plurality of submergible bodies, each having suspending means (anchor lines). Certain of the suspending means are connected together at the top through a structurally distinct element (pulling devices). Pollack fails to disclose that the anchors include ballast tanks, as it old and well known in the art as evidenced by Stimson.

It would have been obvious to one of ordinary skill in the art at the time of the invention to employ anchors such as that that by Stimson in the active anchoring system of Pollack.

Such a combination would have been desirable so as to render the anchors easier to handle.

Re the claimed size and shape of the bodies, such would have been well within the level of skill of the ordinary routineer working in the art at the time of the invention, providing results exactly as would have been expected.

Re "saddles", such fail to define over the width increasing fairleads of Pollack.

Re "chain", such is a recognized equivalent to rope and cable in the marine environment, and use of same in Pollack would have been well within the level of skill of the ordinary routineer working in the art at the time of the invention, providing results exactly as would have been expected.

Re "movable relative to the seabed", such fails to define over the submergible bodies of Pollack. Such inherently were lowered to the seabed, and therefore are capable of vertical movement. Such a capability satisfies the limitation of "movable",

which requires only the capability of movement. Such does not recite such being movable in use.

8. Applicant's arguments filed 6/2/2010 have been fully considered but they are not persuasive.

Applicant argues that the limitation of "structurally separate from the vessel" does not mean that there is no connection to the vessel, only that there is no connection between the suspending means connection and the vessel, only that the two suspending means are connected to each other by a connection which is structurally separate from the vessel.

As noted above, such a connection is not understood.

Applicant argues that the submergible bodies of Pollack as modified are not movable in relation to the seabed as now claimed.

The examiner does not agree that such defines over the combination. As noted above, the submergible bodies of Pollack are inherently capable of vertical movement, as such have been moved vertically when being deployed, and such inherently being movable when being retrieved.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ed Swinehart whose telephone number is 571-272-6688. The examiner can normally be reached on Monday through Thursday 6:30 am to 2:00 pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samuel Morano can be reached on 571-272-6684. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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/Ed Swinehart/  
Primary Examiner  
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